

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, July 2, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Planning Commission Members:**

City Staff:

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 J. Thomas Bowen
17 JoAnn Frost
18 Doug Haymore
19 Brad Jorgenson, Alternate
20

Kevin Smith, Deputy City Manager
Greg Platt, City Planner
Morgan Brim, Planning Technician

21 **BUSINESS MEETING**

22
23 **1. WELCOME/ACKNOWLEDGEMENTS.**

24
25 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. and welcomed those in
26 attendance. He was happy to see so many people present who are interested in what is going on
27 in the community. Procedural issues were reviewed.
28

29 **2. CITIZEN COMMENTS.**

30
31 (19:03:05) Ken Nielsen asked whether with the energy crunch it was possible to synchronize
32 traffic lights. He remarked that he frequently finds himself in stop and go traffic. Chair Nicholl
33 stated that he had experienced the same thing. Mr. Nielsen stated that more gasoline is used in
34 stop and go traffic. Chair Nicholl's understanding was that Salt Lake City has a project currently
35 underway to synchronize the lights on 300 West and 400 West from 600 South to South Temple.
36 He hoped they could do it throughout the valley.
37

38 Commissioner Bowen stated that Deputy City Manager, Kevin Smith, might be able to help.
39 Mr. Smith stated that the City owns the 19 signals in the City. Salt Lake County has an
40 employee in the Public Works Department who spends all of his time trying to synchronize
41 lights. One of the challenges they have is that the signals are not connected to each other. They
42 hoped to get a fiber optic line to connect all of the signals together. They all work on clocks so
43 when a synchronization pattern is set, it can be set to one type of traffic flow. This year, there
44 was money budgeted to try to figure out a synchronization pattern for Fort Union Boulevard.
45 Traffic Engineering companies would be used to study the matter in detail and try to establish a
46 better signal pattern. There was also money in this year's budget for signal upgrades and trying

1 to get video detection instead of the loops in the road. Half of the City's signals still have wire
2 loops in the road and if a car is not sitting right on it, it will not be triggered. City staff was still
3 working through the details. Mr. Smith stated that there are 30,000 to 50,000 car trips per day on
4 Fort Union Boulevard. Staff's goal was to move cars through as quickly as possible.

5
6 (19:07:04) Bob Good gave his address as 7730 Quicksilver Drive. He commented that he, his
7 family, and their neighbors were very happy with the decision made by the County Council the
8 previous day to purchase the Wasatch Office property on Wasatch Boulevard. He realized there
9 was still a lot to be done in order to get the property developed as it should be.

10
11 Dale Chalmers gave his address as 2918 East Bridgewater Drive. He asked if the City currently
12 has a monster home ordinance. If not, he hoped to see one adopted.

13
14 Mayor Kelvyn Cullimore reported on the final resolution reached on the Wasatch Office
15 property. He stated that eight months ago the City begin a process of working with the County
16 and made application for funding from two County funds. They bonded to do open space
17 acquisition as well as parks and recreation projects. The open space funding was targeted
18 primarily to urban areas where open space is disappearing. The City felt the Wasatch Office
19 property fit that description quite well. Unfortunately, the committee did not totally agree with
20 the City and after a battle they finally got a positive referral from the committee. They also
21 worked with the Parks and Recreation Committee to obtain funding. The City was successful in
22 getting \$1 million from the Open Space Fund and \$2,375,000 from the Parks and Recreation
23 Bond Fund. The vote was unanimous to recommend to the County Council the acquisition of the
24 property. It was a unique opportunity because the County has never before done a project where
25 they combined the two funds for a dual purpose. Because part of the property will remain open
26 space, they felt the open space qualified. Since part of it will be a trailhead for the Bonneville
27 Shoreline Trail, they felt it fit with the Parks and Recreation Department goals as well. The
28 Mayor reported that the City was very fortunate in that they were willing to pay a premium price
29 for the property since what it was going to become was of concern. It was the County's decision
30 to rezone the property to commercial prior to the incorporation of the City that invested in it the
31 entitlements that made it so valuable. As the City representatives reminded the County of that,
32 they ultimately agreed that they had partial ownership in trying to correct the problem. On
33 Tuesday there was a final vote that was 6-to-1 in favor of proceeding with the acquisition of the
34 property.

35
36 (19:10:54) Mayor Cullimore reported that one of the things that was required to make it work
37 was for the City to step up and contribute the equivalent of \$1 million toward the project. The
38 City agreed to contribute \$175,000 toward the purchase and \$500,000 toward the site
39 development over time. The City will also be responsible for maintaining the property in
40 perpetuity. They looked at the total benefit to the community and the County as a whole. It was
41 truly a situation that required the expenditure of financial capital from the community as well as
42 political capital to bring people on board to approve the project. They worked hard and were
43 thrilled with the outcome. The property owners would be signing the documents in the next two
44 weeks to turn ownership of the property over. Technically, the County will own the property
45 although it may be deeded to the City for maintenance. That issue had not yet been resolved.

1 With regard to the development of the project, it was only yesterday that final approval was
2 obtained.

3
4 Chair Nicholl reported that recently he had the opportunity to speak with County Mayor Peter
5 Caroon and they discussed the issue. At that time, Mayor Caroon was very concerned that the
6 County was not going to be able to fulfill what he felt was their obligation on the property. For
7 that to take place, the political capital extended to the County Council had to have been
8 extraordinary. Mayor Cullimore was thanked for his efforts. The Mayor stated that the City was
9 very fortunate that the political will came together at the same time as the financial resources to
10 make it happen.

11 12 **3. PUBLIC HEARINGS.**

13 **3.1 The Planning Commission will Receive Public Comment on a Request by Gary** 14 **Harrison for the Canyon Racquet Club at 7350 South Wasatch Boulevard.**

15
16 (19:14:00) Chair Nicholl described the process and stated that no decision would be made
17 tonight. If and when a decision is made, it will be a recommendation only to the City Council.
18 He explained that the Planning Commission does not have the authority to change zoning within
19 the City. That was the prerogative of the City Council. Once the Planning Commission makes a
20 recommendation to the City Council, the City Council will go through exactly the same process
21 as the Planning Commission before making their decision. Chair Nicholl explained that typically
22 the Commission gets applications to make a property more intensive in use with higher density
23 and more commercial. With the proposed application, the applicant was asking to reduce the
24 intensity of the use and make the zoning more restrictive. The current zoning of the property
25 was C-2. The applicant was asking to mix residential in with the commercial zoning. The
26 Commission's goal was to do what is best for all aspects of the City.

27
28 Commissioner Bowen stated that the Commission was aware that there is a problem with the
29 notice. Ultimately, the matter will be renoticed and another meeting conducted.

30
31 (19:18:58) City Planner, Greg Platt, presented the staff report and stated that the applicant has
32 requested a zone change for the Canyon Racquet Club property located at 7350 South Wasatch
33 Boulevard. The intent was to rezone it from regional commercial or C-R to MU or mixed use.
34 The general plan designation for the property is mixed use. At the time of the staff report, staff
35 had received very little public comment. To date, several letters, emails, and phone calls had
36 been received from the public with regard to the property. Much of the correspondence was
37 provided to the Planning Commission for their review. The public hearing was noticed
38 according to City Code except the notices were sent to the property addresses instead of to the
39 owner addresses. For that reason, the matter would need to be renoticed. All property owners
40 within 500 feet of the property would be noticed.

41
42 Mr. Platt reported that the property is located on the west side of Wasatch Boulevard just south
43 of Fort Union Boulevard. The property is approximately 11 acres in size. The west side of the
44 property fronts Racquet Club Drive. The current zoning for the property is regional commercial
45 which is designed for retail and other commercial uses that attract business from both inside and
46 outside the City boundaries. The mixed use zone is considered a land use of lesser intensity and

1 a switch from regional commercial to mixed use would be considered down zoning. Mr. Platt
2 explained that the regional commercial zone is designed for commercial uses only but the mixed
3 use zone allows both for commercial and residential uses. The proposed lot will also fall under
4 the gateway zone and the sensitive lands zone. As a result, any future use on the property will be
5 subject to the regulations of the two zones. Additionally, there is a fault line running through the
6 property. Restrictions are in place in the City code to deal with that.

7
8 (19:21:40) Mr. Platt reported that the zoning of the property has been C-2 under the County
9 designation and it has been regional commercial or the equivalent for over 30 years. When the
10 City was incorporated, the County zone was kept in place leaving the City with the current
11 zoning of regional commercial. The general plan has a designation of the area for mixed use.
12 The reasoning behind it was to downzone the area over time. With the current rezoning being
13 regional commercial, it does not coincide with the general plan designation. Rezoning the
14 property would bring it in line with the general plan. Mr. Platt explained that the current zoning
15 would allow for big box businesses and restaurants. Switching to mixed use would allow many
16 of those same things in addition to hotels, which the current zoning does not. It would also allow
17 for residential uses.

18
19 Chair Nicholl explained that the property is in a sensitive lands area as well as the gateway
20 overlay area. That gives the City a huge amount of control over what will be developed. Height
21 requirements will need to be adhered to as well as numerous other requirements.

22
23 (19:24:58) The applicant, Gary Harrison, gave his address as 2327 East Country Club Drive. He
24 commented that they were very well aware of what they are doing with the mixed use and down
25 zoning. They were looking at single-family detached residential units along with hotel and
26 commercial uses. The intensity would be very light. Part of the reason for that is because there
27 are fault lines throughout the property, which they have to stay clear of. The previous property
28 was grandfathered in and development was allowed there. New regulations prohibited building
29 on fault lines.

30
31 Chair Nicholl opened the public hearing.

32
33 (19:26:14) Stan Rosenweig gave his address as 3661 Macintosh Lane. He stated that when he
34 received the flyer about what the use is going to be, they were happy with it. He understood that
35 the developer needed to make money. They looked at how that could be done with the least
36 amount of impact to neighbors and the community. To him, what was proposed seemed like a
37 good idea. The problem was that the zoning could be granted and then one of two things could
38 happen. First, the developer could be underfunded and unable to complete the project; or,
39 second, the economy in the local area could change and the plan won't work. The only problem
40 Mr. Rosenweig had was that if they go forward and make a commitment based on what they
41 think the applicant is going to do, if it doesn't work out they will feel foolish. He suggested that
42 instead of zoning the property as proposed by staff, it be looked at in two different ways. Part of
43 the property should be looked at in a positive way to zone for residential. Another part should be
44 looked at for mixed use. That way everyone wins. He thought the project was very good for the
45 community and a legal way should be found to make it work. Mr. Rosenweig commented that
46 he submitted his comments in writing as well.

1
2 Chair Nicholl stated that if the zoning goes through, the developer will then present his plan to
3 the City.
4

5 (19:30:54) Janet Nielsen a 37-year resident gave her address as 3613 Winesap Road. She stated
6 that when the City incorporated, it was done in good faith that they would become a bedroom
7 community and have a voice in government. She did not want to see 400 to 600 homes on the
8 subject property. She thought the concerns of the neighborhood should be considered and they
9 should be protected from traffic and potential crime. Commissioner Bowen informed
10 Ms. Nielsen that the question was whether to downzone the property from commercial to mixed
11 use. Ms. Nielsen's concern with mixed use was that they would be opening up a Pandora's Box.
12 There are things that could currently be developed that the neighbors will use and benefit from.
13 She doubted that a hotel would benefit the neighbors. She thought there were other uses that
14 could potentially go in that would be supported by the neighborhood. Her preference was to
15 keep the property zoned commercial. She did not want to lose control over what is developed.
16

17 Commissioner Bowen explained that rezoning the property would actually give the City more
18 control. He explained that much of what the Planning Commission does is controlled by the
19 rules set by the Legislature. This particular property, if down zoned, comes in brand new. The
20 City then has control over it, as they are gateway sensitive because of the fault. Right now, one
21 of the uses is big box commercial. The Legislature has said that if there is a conditional use that
22 is allowed in the zone and a developer comes to them with that conditional use, the City has to
23 give it to them unless they cannot impose any conditions on it to mitigate adverse impacts on the
24 community. The topic of specific uses was not a discussion for tonight but will come if the
25 property is rezoned. He explained that there is some peril to the community now if someone
26 comes in and wants to put in a big box commercial use because the property is zoned for that. At
27 that point the City will have to determine how to mitigate the impact on the community. In the
28 end, they may not be able to and the use could go in.
29

30 (19:39:15) Robert Hayes gave his address as 3394 East Magic View Drive. He realized that the
31 Commission was in a catch-22 as far as zoning is concerned and that the possibility exists for
32 commercial to be developed without the City having a say in it. He asked if the zoning could be
33 changed to a residential only use. Because of 30 years of history and development in the south
34 end of the valley, traffic problems exist and there is not enough room on the road to allow
35 ingress and egress from two hotels. He proposed the possibility of changing the zoning to
36 residential only. Mr. Hayes was informed that such a request would have to come from the
37 owner of the property. Commissioner Bowen explained that if the property is rezoned, the next
38 step is to have traffic and geological studies done. All of the issues identified by Mr. Hayes
39 would be addressed in the second phase.
40

41 James R. Brown gave his address as 4076 Prospector Drive. What he had heard was different
42 than what staff had informed him of. He was concerned that others were also misinformed. He
43 stated that mixed use will allow hotels while the current zoning will not. That was the opposite
44 of what he was told by staff. He thought an informed decision should be made relative to the
45 issue of zoning. In order to do that, he thought the notice should include the current zoning and
46 what will be allowed under the mixed use.

1
2 Chair Nicholl stated that the notice included the current and proposed zoning. He explained that
3 any interested individuals can visit the City's website where the information is readily available.
4 Mr. Platt acknowledged that in error he may have misinformed a few people about hotels being
5 allowed presently. Staff tried to correct that and get the word out once the error was recognized.
6

7 Jeff Voyles gave his address as 7260 South Jonathan Drive. He was opposed to the request and
8 thought a message should be sent to the developer that if they want residential they should
9 propose a zoning that the City will accept. His preference was to leave the zoning as C-2 to
10 prevent problems later and reject the request. He suggested the applicant come back with a
11 legitimate proposal that will limit it to residential and mixed use.
12

13 (19:46:57) Bob Good gave his address as 7720 Quicksilver Drive and asked if the sensitive lands
14 and gateway apply to any zone. It was clarified that they do not and it must be in the gateway as
15 defined by the City. Mr. Good suggested the Commission ask the developer what he would do if
16 the zone doesn't change. Chair Nicholl was not sure that was appropriate at this point. He
17 explained that the applicant has made an application and the discussion tonight had to do solely
18 with his application. Mr. Good thought that in order to make an intelligent decision as to
19 whether to change the zone, they should know what could be proposed if no change were
20 approved.
21

22 Before a decision is made on the matter, Commissioner Haymore would want to clearly
23 understand what is allowed now that would not be allowed under the requested new zone.
24

25 Josh Linker gave his address as 7430 South Wasatch Boulevard at the Canyon Racquet Club. He
26 hoped the Commission would make a decision in an expeditious manner. The view pulling into
27 the Canyon Racquet Club presently is unpleasant because of an unsightly green fence.
28 Mr. Linker owns two units and rents out one and guests are not happy with the view. The
29 subject property looked terrible and was not well maintained. He hoped the Commission would
30 do something to make sure it is kept up between now and when a decision is made.
31

32 (19:50:26) Dale Chalmers gave his address as 2918 East Bridgewater Drive. He believed the
33 property had three faults running through it. If a decision is made allowing something to be built
34 there and the building falls in, he did not want Cottonwood Heights citizens to have to pay for it.
35 He believed that because of the faults there is no room for a big box use and it would never be
36 allowed. As a result, the property owner is asking to change the zoning. Chair Nicholl
37 commented that the City does not know exactly where the faults are or how many there are.
38 Mr. Chalmers disagreed and stated that many people know where the faults are. Chair Nicholl
39 stated that until a geological survey is completed, they will not know the location for certain.
40 Mr. Chalmers did not recommend the City change anything without knowing the location of the
41 faults.
42

43 Jennifer Young was the owner of property at 7340 South Wasatch Boulevard and was present on
44 behalf of the Canyon Racquet Club Homeowners' Association. Their concern was with how the
45 property looks and has looked for some time and the fugitive dust. She asked if something could
46 be done about the dust. Mr. Smith agreed to have the City's Public Works Inspector visit the site

1 and see what kind of dust control measures have been implemented and what needs to be done.
2 Ms. Young also commented that there were a lot of weeds on the property. Mr. Smith stated that
3 he would look into that as well.
4

5 (19:53:00) JoAnn Merrill gave her address as 3620 East Jonathan Drive. She thought the
6 citizens should be informed of what can be developed in the C-2 zone and mixed use zones. She
7 thought there was still some confusion. She was concerned that the historical sites such as the
8 Old Mill have been destroyed by vandals and are not being restored. She preferred that the Old
9 Mill be developed instead. She complained about the gun club and the gravel pit. Chair Nicholl
10 urged Ms. Merrill to stick to the issue at hand and invited her to visit the City's website.
11

12 Marie Casey gave her address as 7268 South Pippen Drive. She wondered about the impact of
13 low-density residential going to high-density residential and did not support the proposed
14 change.
15

16 John Kennington gave his address as 2251 Pippen Drive. He came to tonight's meeting
17 misinformed like some others and was ready to talk about land uses. He appreciated the
18 clarifications provided by the Commission. He believed that many citizens are insecure not
19 knowing exactly what will happen with the property. Some may be interested in eventually
20 seeing other uses come to the property. Chair Nicholl reminded Mr. Kennington that the
21 property owner has private property rights. He did not view what was being proposed as a "leap
22 of faith" because of the control the City will have over the property. Most are concerned about
23 change. The Commission's job was to help the citizens and the developer so that the project will
24 benefit everyone involved.
25

26 Commissioner Bowen explained that in order for the property to become a park and ride, the
27 City will have to condemn it and pay fair market value for it. Chair Nicholl stated that property
28 taxes would have to be increased to pay for it or a special assessment imposed. Mr. Kennington
29 stated that he would be willing to pay a little more in taxes for the City to acquire it.
30 Commissioner Bowen reported that several years ago when the City was organized, they had
31 hearings all around the City to put together a master plan for the City. In that process it was
32 determined that although the property was zoned C-2 in the County, the City did not feel that
33 was the correct zoning for it and imposed the MU zone. One of the things that the City and a
34 court look at is the master plan designation. What the applicant is requesting is exactly in
35 conformance with the master plan that has been enacted by the City. If people are upset about
36 what can go in under the MU zone, they should have gotten involved three years ago when the
37 City went through the process of putting the master plan together. Chair Nicholl remarked that
38 hundreds of hours were spent in that effort. It was clarified that the request was to change the
39 zone. What they were looking at were all of the possibilities under each of the two zones. All of
40 the possibilities would need to be explored. Mr. Kennington's preference was to maintain the
41 current zoning and not allow hotels.
42

43 (20:04:04) Commissioner Armstrong stated that there had been mention of the improbability of a
44 big box being able to locate on the property. He did not think that could be assumed because
45 with a large store such as Wal-Mart, half of the property would be parking, which can and does
46 take place on fault lines although the building would not. In this case, it was not known where

1 the fault lines are. He thought the assumption that a big box could not located on the property
2 could not be assumed.

3
4 Marian Anderson, A Bengal Boulevard resident, valued the rights of property owners. If the
5 zoning was changed to allow hotels, she wondered if there would be a restriction on the size.
6 Chair Nicholl confirmed that there would. Ms. Anderson wanted to make sure that it is
7 appealing to live above whatever use is developed. Chair Nicholl stated that any proposal will
8 go before the Architectural Review Committee, the Planning Commission, and the City Council.
9 It will be reviewed many times and stringent restrictions will be put in place. The City will work
10 with the developer to make certain that the plan accepted by the City is what the developer
11 builds.

12
13 (21:07:22) Heidi Huntsman gave her address as 7381 Racquet Club Drive and stated that her
14 property directly borders the property in question on two sides. She would be very affected by
15 the project and in fact had experienced a great deal of damage to her property. If she were to
16 choose between shops, a strip mall and an upscale hotel and town homes, she would choose a
17 very beautiful hotel and town homes.

18
19 Ken Nielsen gave his address as 3613 Winesap Road. He stated that with the mixed use there
20 are numerous potential uses. He asked if items in the mixed-use zone can be eliminated. Chair
21 Nicholl stated that they cannot if it is a conditional or permitted use. If the City cannot
22 determine a valid concrete reason for denial, it has to be approved. Once the zoning is approved
23 it comes with all of the uses. The difference between permitted and conditional uses was
24 described. Conditional uses require approval from the City. The Legislature has mandated that
25 if the use is permitted in the zone, it has to be approved unless a detrimental community impact
26 can be identified that can't be mitigated with reasonable conditions. It was stressed that those
27 instances were very rare.

28
29 Chair Nicholl made it clear that the Commission will go forward with the process and conduct all
30 of the necessary reviews and then make their decision. He stressed that a decision from the
31 Planning Commission is a recommendation to the City Council.

32
33 (20:11:42) *Commissioner Bowen moved to continue the matter to the first meeting in August*
34 *and keep the public comment open until that time. Commissioner Frost seconded the motion.*
35 *Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn*
36 *Frost-Aye, Doug Haymore-Aye. Brad Jorgenson-Aye. The motion passed unanimously.*

37
38 Mr. Platt reported that some uses that are allowed in the regional commercial zone that are not
39 allowed in the mixed use zone are liquor stores, motor vehicle sales, gas stations, car washes,
40 residential, churches, home preschools, parks, planned unit developments, elderly residential
41 facilities, schools, private schools, and hotels.

42 43 **4. ACTION ITEMS.**

44
45 There were no action items scheduled.

1 **5. DISCUSSION ITEMS.**

2
3 There were no discussion items scheduled.

4
5 **6. PLANNING DIRECTOR'S REPORT.**

6
7 There was no Planning Director's Report.

8
9 **7. ADJOURNMENT**

10
11 (20:14:22) *Commissioner Frost moved to adjourn. Commissioner Bowen seconded the*
12 *motion. Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye,*
13 *JoAnn Frost-Aye, Doug Haymore-Aye. Brad Jorgenson-Aye. The motion passed*
14 *unanimously.*

15
16 The Planning Commission Meeting adjourned at 8:15 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, July 2, 2008.*
3
4
5

6 
7
8

9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary
12
13

14 Minutes approved: